



FWH:SRM:DLKaplan

U.S. Department of Justice
Civil Division, Appellate Staff
601 D Street, N.W. Room 9539
Washington, D.C. 20530-0001

ORIGINAL

EX PARTE OR LATE FILED

October 2, 1998

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BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

OCT - 2 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **EX PARTE PRESENTATION**
In the Matter Of: Communications Assistance for Law Enforcement Act
CC Docket No. 97-213

Dear Ms. Salas:

On October 1, 1998, representatives of the Department of Justice, Federal Bureau of Investigation, and Booz-Allen & Hamilton ("the Department") met with representatives of the Federal Communications Commission ("the Commission") to discuss the above-referenced matter. Present from the Department of Justice were Attorney General Janet Reno, Stephen R. Colgate, Gary G. Grindler, Daniel L. Kaplan, Douglas N. Letter, Robert S. Litt, Scott R. McIntosh, Donald M. Remy, Jonathan D. Schwartz, and Charles Simon. Present from the Federal Bureau of Investigation was H. Michael Warren. Present from Booz-Allen & Hamilton were Henry Hodor and Michael McMenamin. Present from the Commission were Chairman William E. Kennard, Commissioner Susan Ness, Daniel Connors, Ari Fitzgerald, Julius Knapp, John Nakahata, Daniel Phythyon, Christopher Wright, and David Wye.

The subject of this meeting was the merits of the positions taken by the Department in previous filings regarding the proper scope and substance of the rule the Commission will issue in connection with the Communications Assistance for Law Enforcement Act. Specifically, the parties discussed the "punch-list" capabilities which the Department maintains are required by the Act. The Department also distributed a set of illustrative handouts, which are attached to this letter.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter are enclosed. Copies of this letter are simultaneously being provided to the Commission representatives identified above.

Very truly yours,

Daniel L. Kaplan

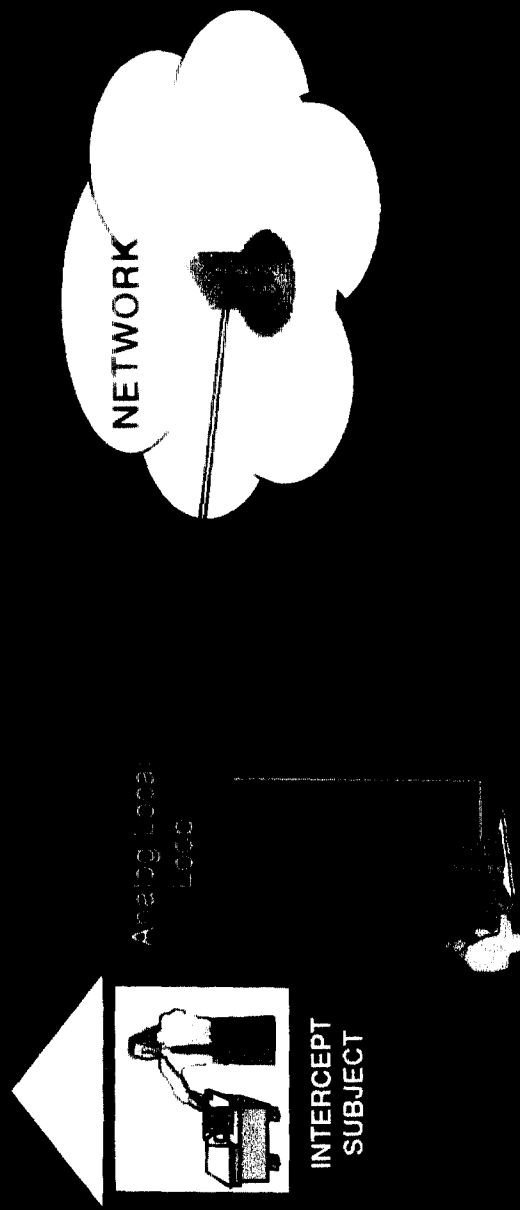
Daniel L. Kaplan
Attorney, Appellate Staff

Attachment

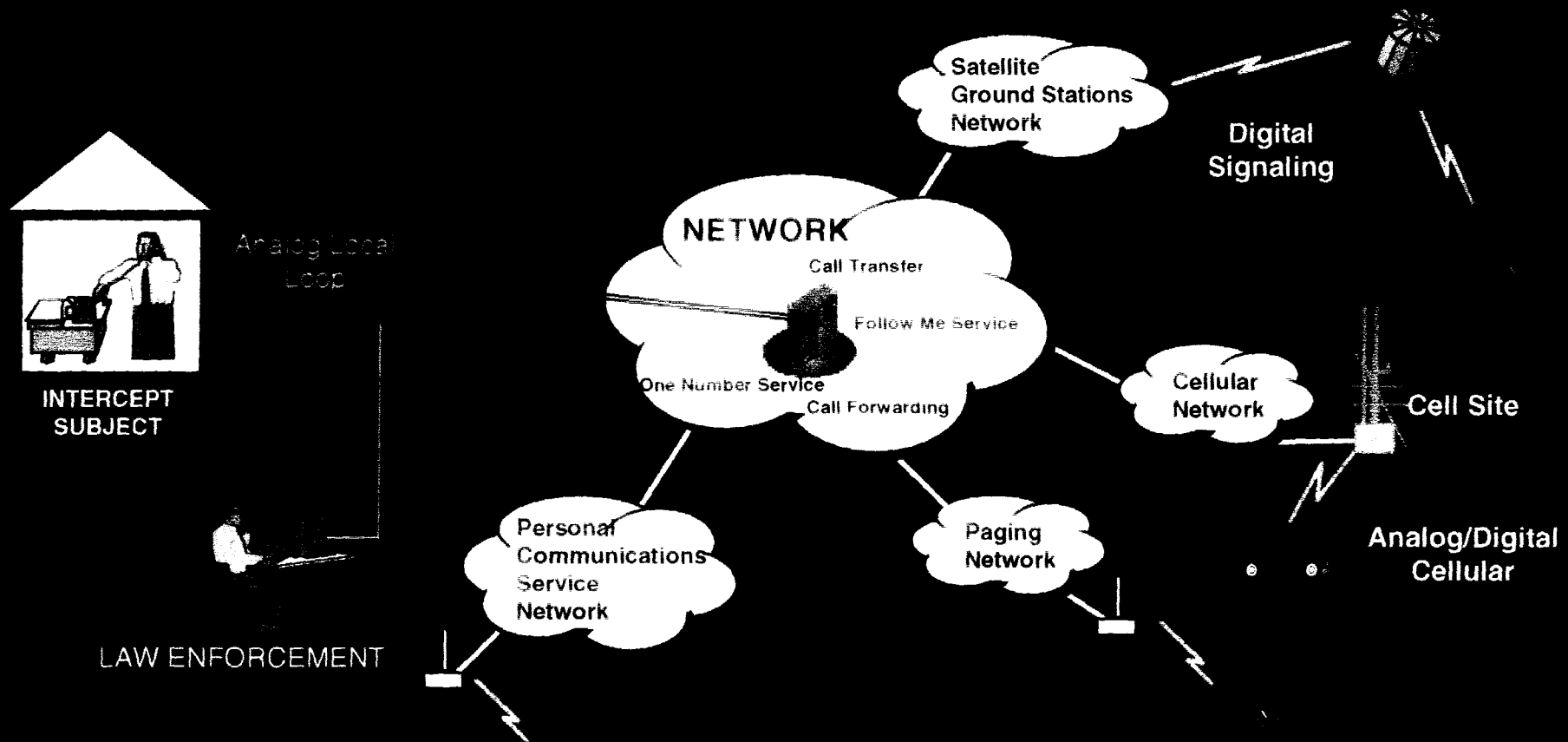
cc: Chairman William E. Kennard, Commissioner Susan Ness, Daniel Connors, Ari Fitzgerald, Julius Knapp, John Nakahata, Daniel Phythyon, Christopher Wright, David Wye

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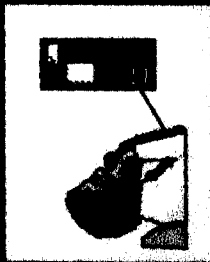
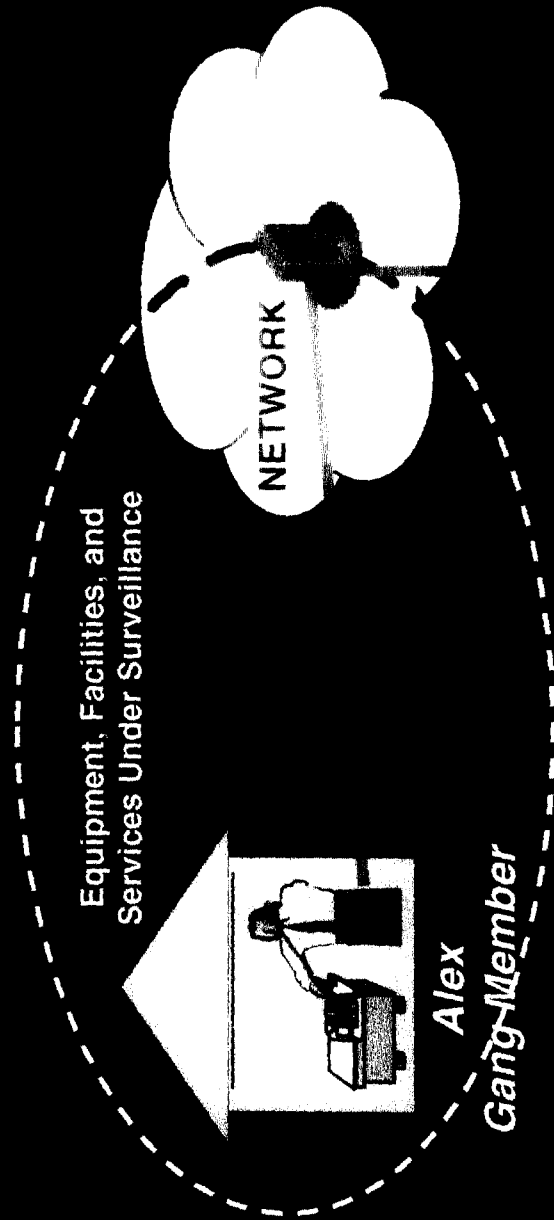
AS TECHNOLOGY HAS CHANGED, LAW ENFORCEMENT'S ABILITY
TO CARRY OUT AUTHORIZED ELECTRONIC SURVEILLANCE HAS
STEADILY DIMINISHED



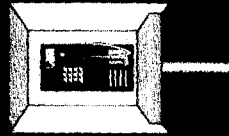
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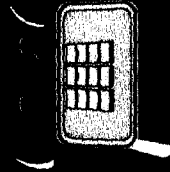
MULTIPARTY CALL SCENARIO



Steve
Gang Member



Charlie

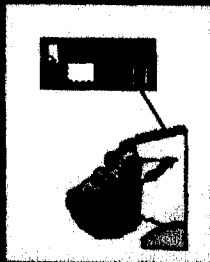
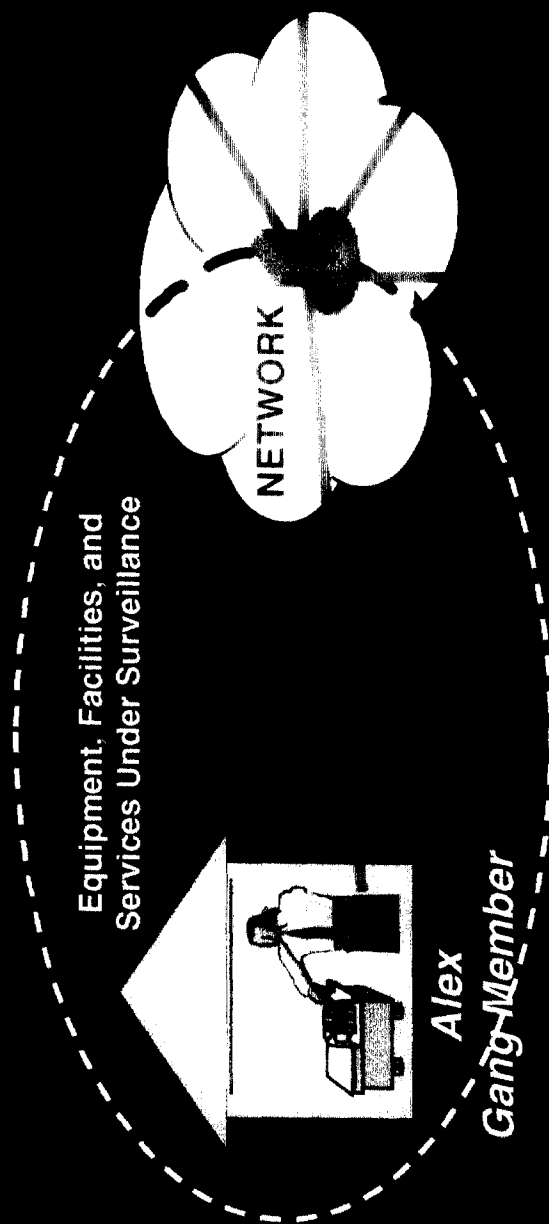


Bob
Gang Member

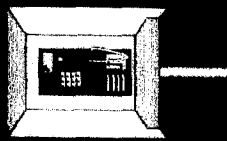


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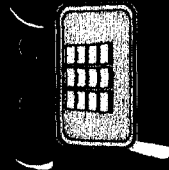
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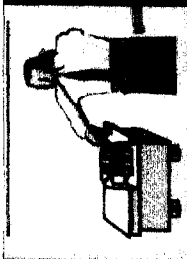
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Charlie



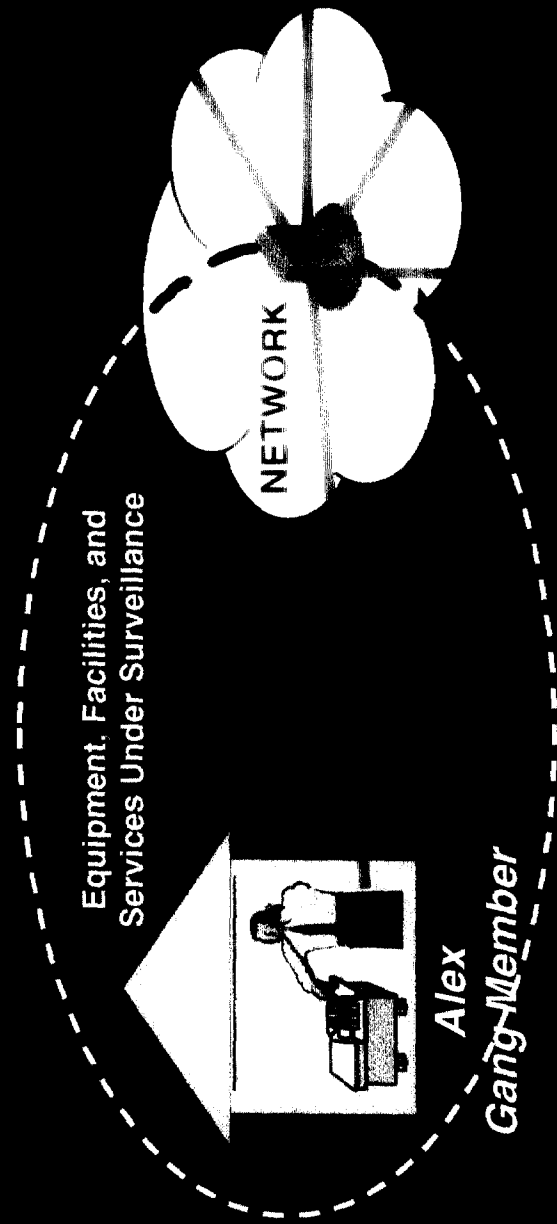
Bob
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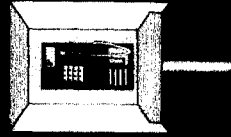
Alex
Gang Member

LAW ENFORCEMENT

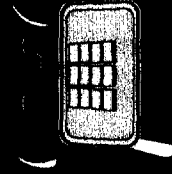
MULTIPARTY CALL SCENARIO



*Steve
Gang Member*



Charlie

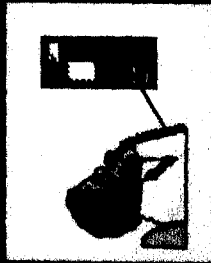
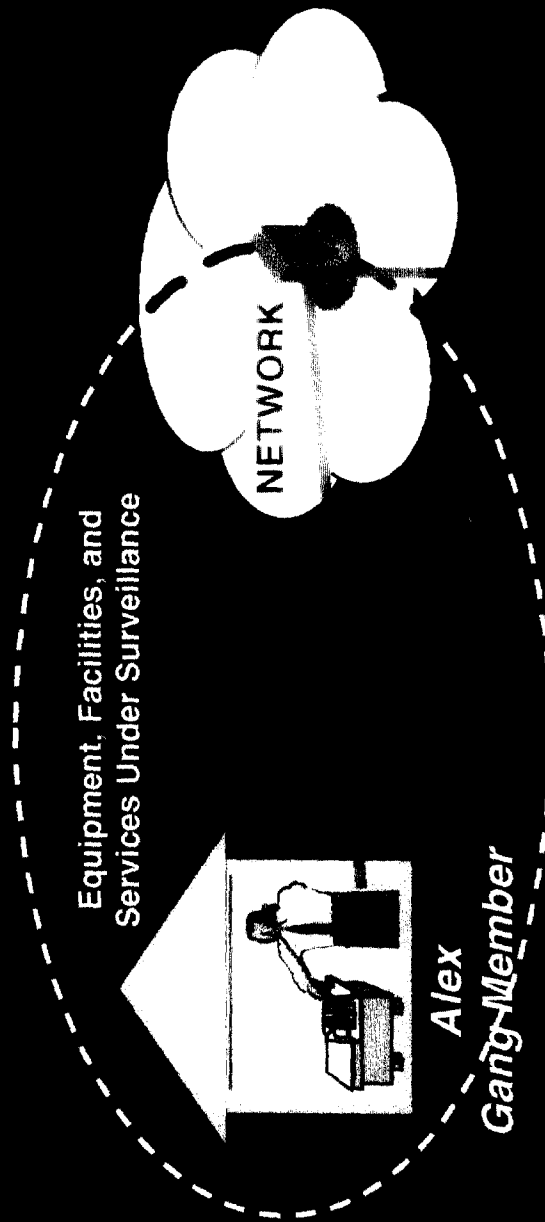


*Bob
Gang Member*

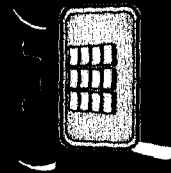


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MULTIPARTY CALL SCENARIO



*Steve
Gang Member*

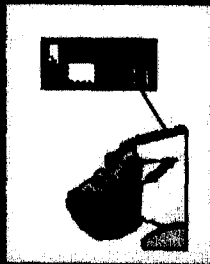
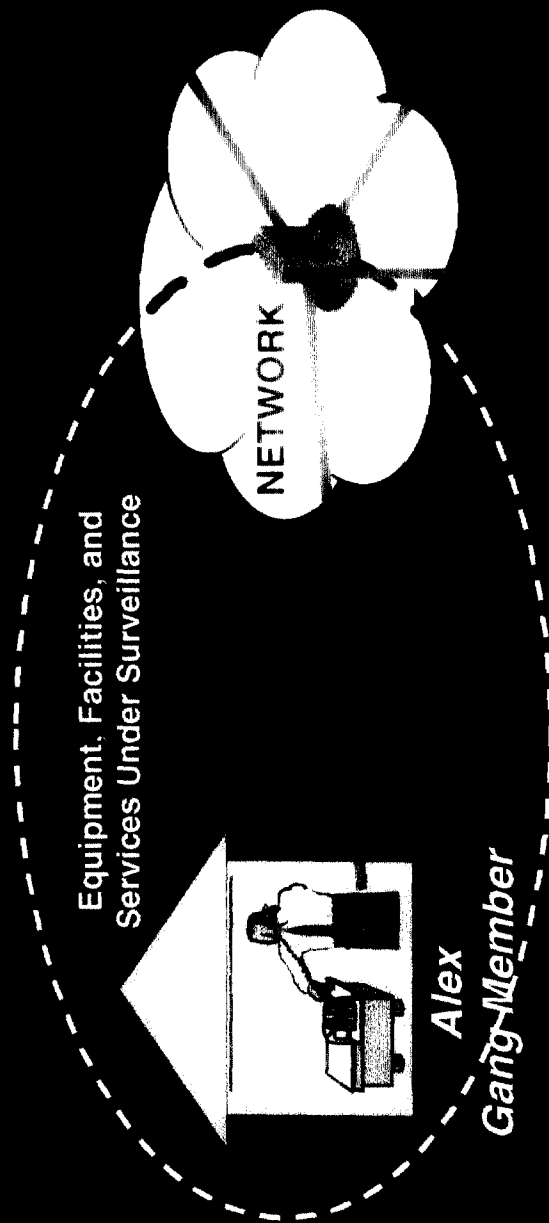


*Bob
Gang Member*

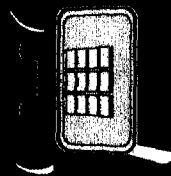


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MULTIPARTY CALL SCENARIO



*Steve
Gang Member*

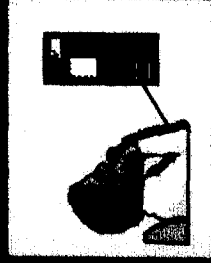
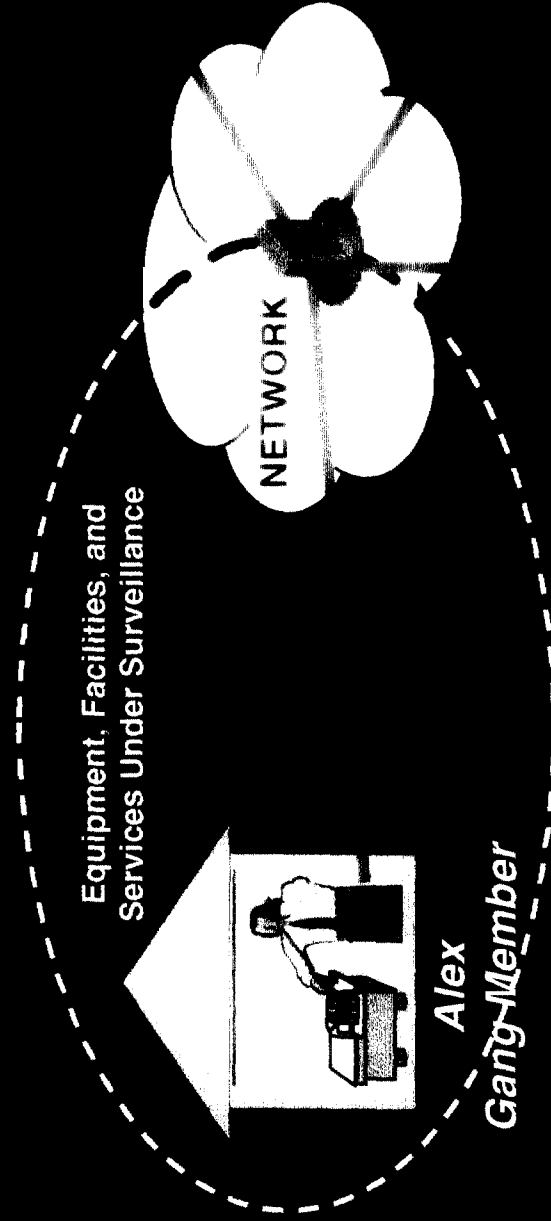


*Bob
Gang Member*

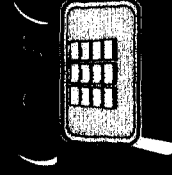


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MULTIPARTY CALL SCENARIO



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Gang Member



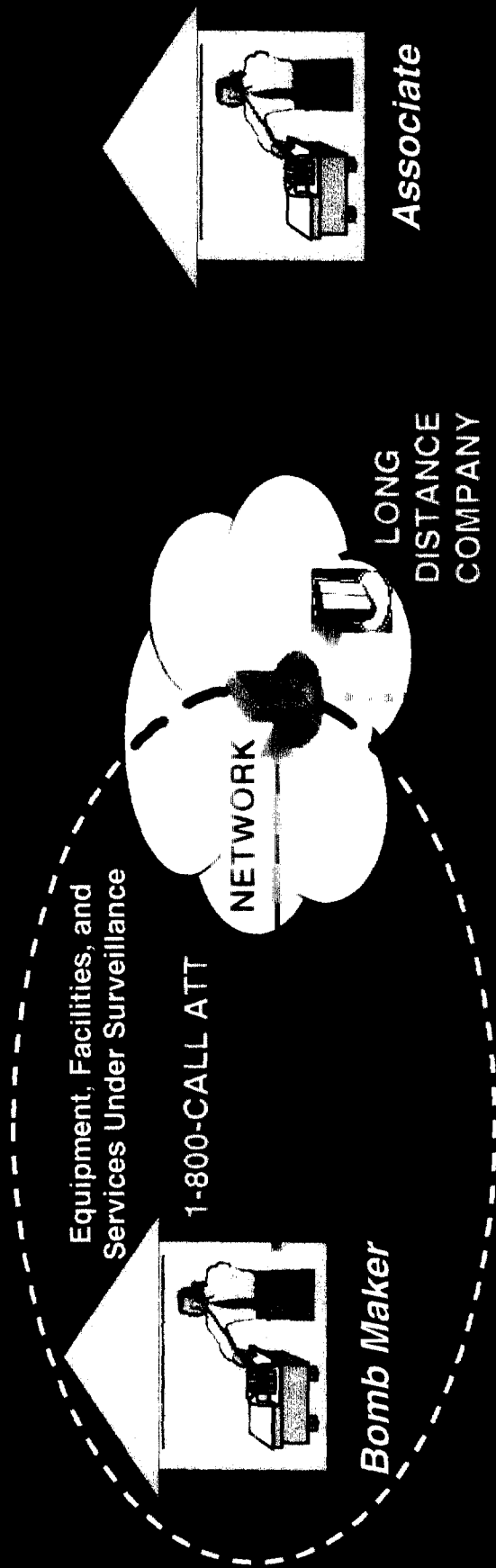
Bob
Gang Member



Alex
Gang Member

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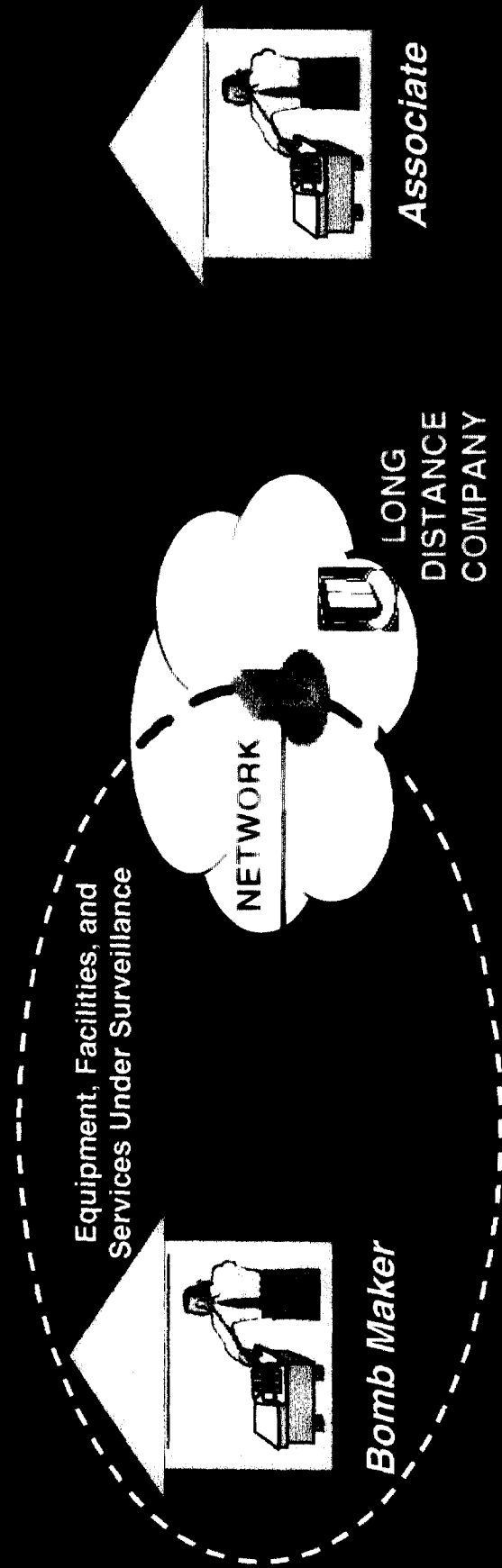
POST-CUT-THROUGH DIALED DIGIT SCENARIO



1-800-CALL ATT

LAW ENFORCEMENT

POST-CUT-THROUGH DIALED DIGIT SCENARIO

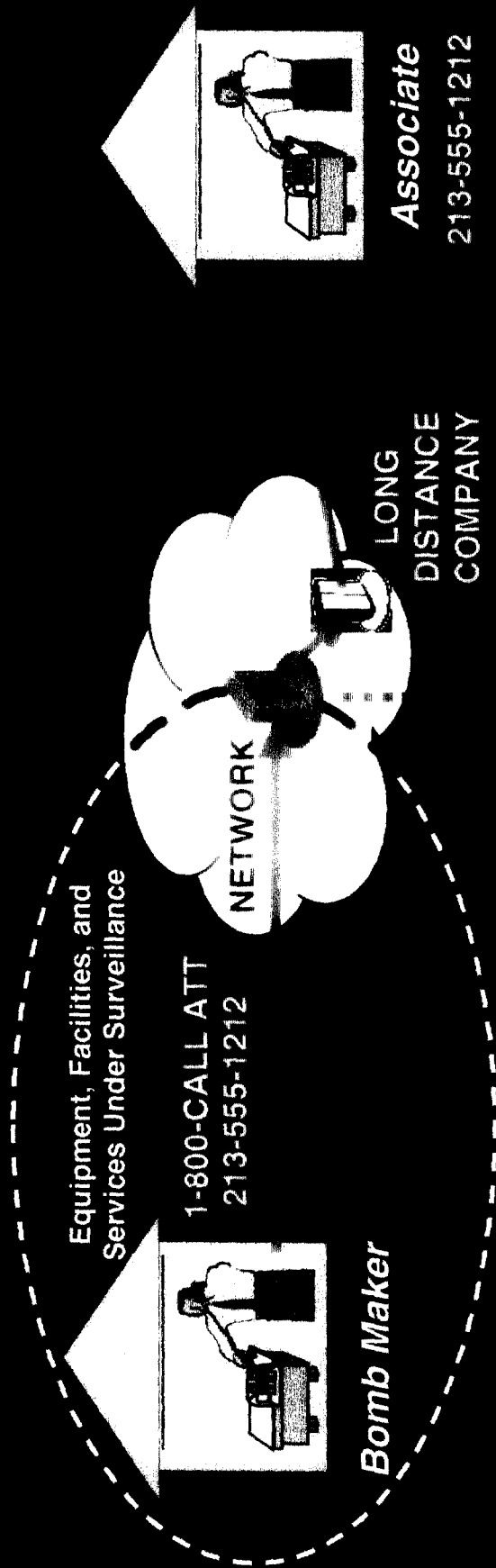


Associate

Bomb Maker

LAW ENFORCEMENT

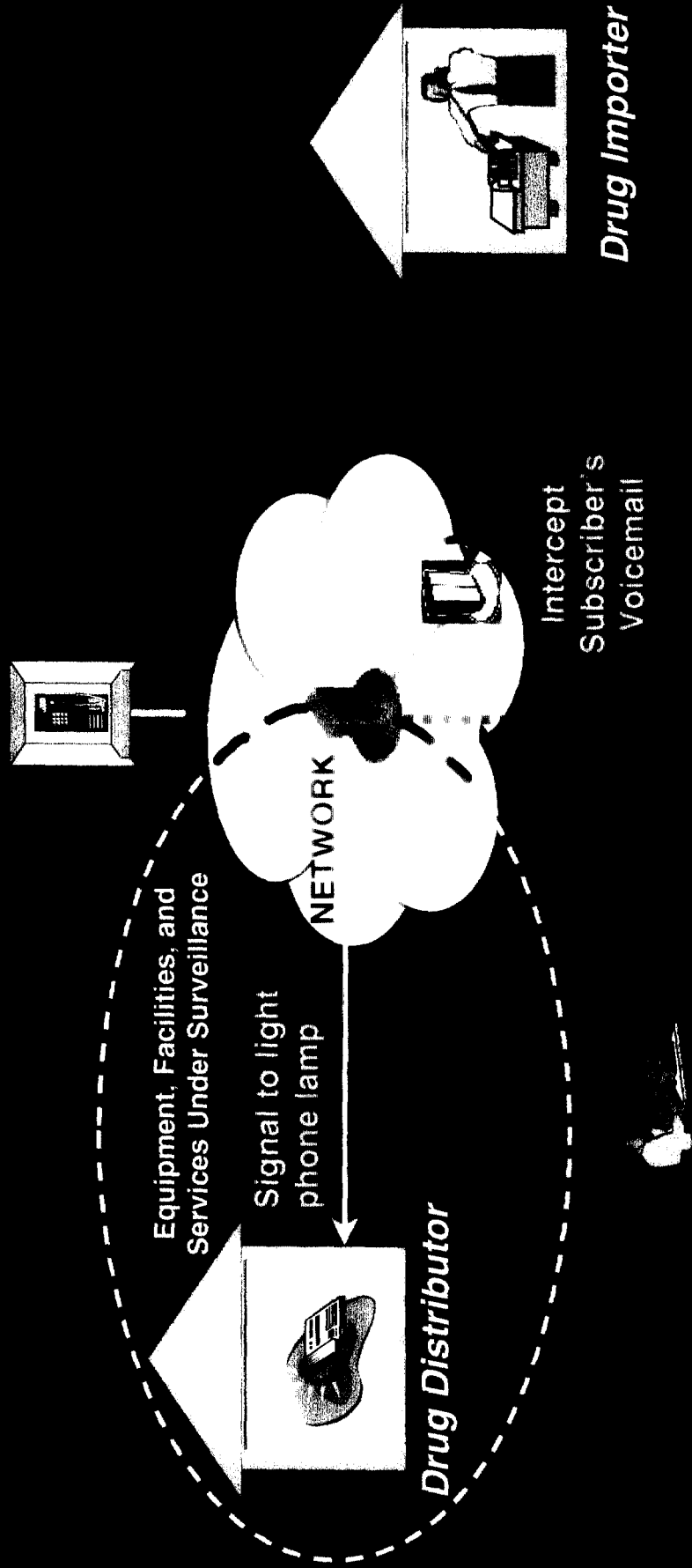
POST-CUT-THROUGH DIALED DIGIT SCENARIO



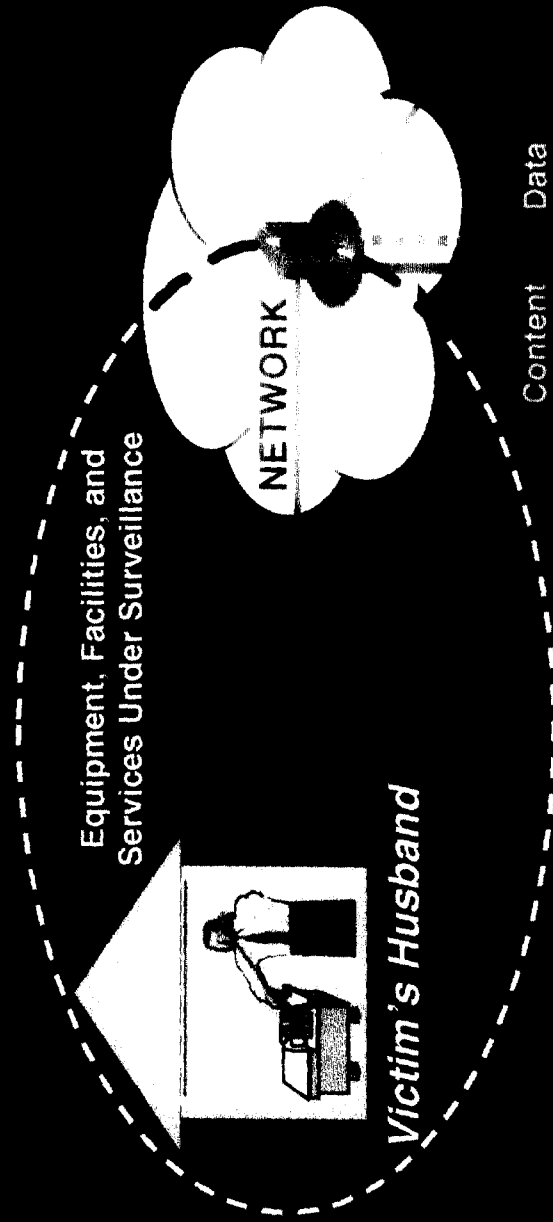
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LAW ENFORCEMENT

NOTIFICATION MESSAGE SCENARIO



TIMELY DELIVERY SCENARIO

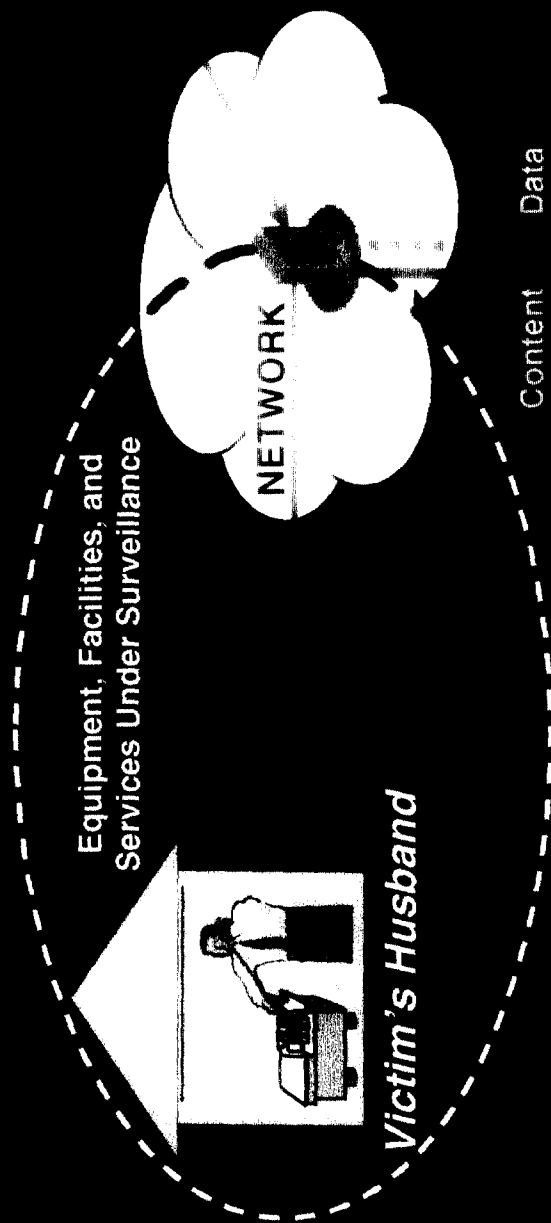


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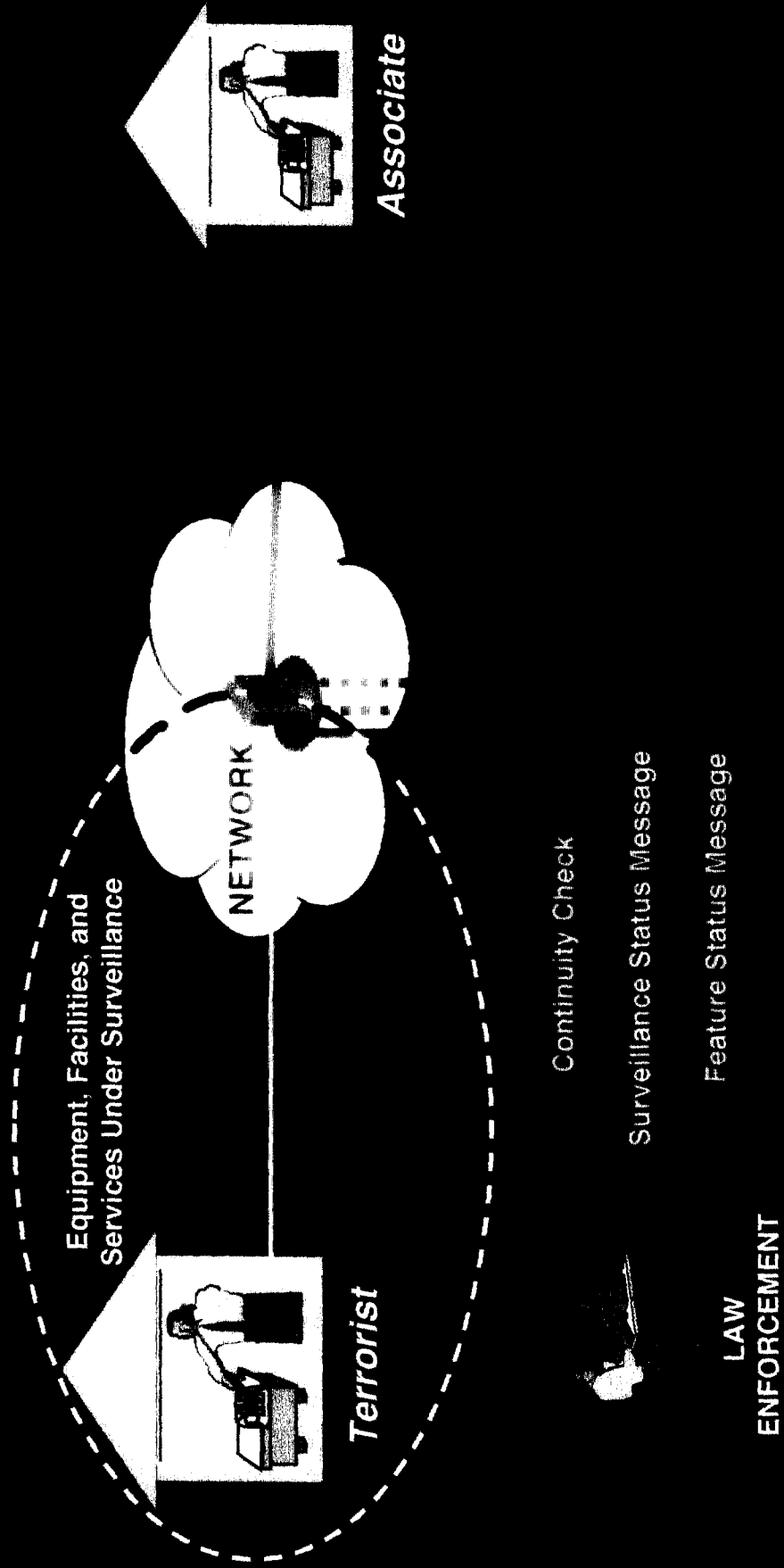
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TIMELY DELIVERY SCENARIO



LAW ENFORCEMENT

SURVEILLANCE INTEGRITY SCENARIO



CALEA PRESERVES LAW ENFORCEMENT'S ABILITY TO CONDUCT
LAWFULLY AUTHORIZED ELECTRONIC SURVEILLANCE WHILE
ACCOMMODATING THE PUBLIC INTEREST IN PRIVACY AND
INDUSTRY'S ABILITY TO OFFER NEW TECHNOLOGIES AND
SERVICES

THE J-STANDARD FAILS TO SATISFY THE SPECIFIC ASSISTANCE
CAPABILITY REQUIREMENTS OF SECTION 103 OF CALEA

CALEA'S ASSISTANCE CAPABILITY REQUIREMENTS

Call Content

- Carrier must provide access to "**all wire and electronic communications** carried by the carrier within a service area **to or from equipment, facilities, or services** of a subscriber of such carrier concurrently with their transmission . . . or at such later time as may be acceptable to the government" (§ 103(a)(1))

Call-identifying Information

- Carrier must provide access to reasonably available "**dialing or signaling information** that identifies the **origin, direction, destination, or termination** of each communication generated or received by a subscriber" (§ 102(2) and §103(a)(2))

Timeliness

- Carrier must provide call-identifying information "**before, during, or immediately after** the transmission of a wire or electronic communication" and "in a manner that allows it to be **associated with the communication** to which it pertains" (§ 103(a)(2))

Surveillance Integrity

- Carrier "**shall ensure**" that its equipment, facilities, and services will provide the required communications and call-identifying information to law enforcement (§ 103(a))

NINE MISSING CAPABILITIES

1. All Content of Conference Calls
2. Party Hold, Party Join, Party Drop Messages
3. Subject-initiated Dialing and Signaling
4. Notification Message
5. Timely Delivery of Call-identifying Information
6. Surveillance Status Message
7. Feature Status Message
8. Continuity Check
9. Post-cut-through Dialed Digits